

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

**BUILDERS MUTUAL INSURANCE  
COMPANY**

**Plaintiff,**

**v.**

**PARKER BROTHERS, LLC, and  
MARVIN B. PARKER.**

**Defendants.**

**JURY DEMAND**

**Civil Action No. 4:09-cv-73**

**Judge Mattice**

**Magistrate Judge Lee**

**FINAL AGREED ORDER OF COMPROMISE SETTLEMENT  
AND DECLARATORY JUDGMENT**

It appearing to the Court, as evidenced by the signatures of counsel below, that the parties have reached a compromise to settle all claims which were raised or which could have been raised in this action, and that the parties have agreed to dismiss with prejudice their actions and claims against each other on a compromise basis in order to avoid the further hazards and costs of litigation;

It is therefore **ORDERED, ADJUDGED, and DECLARED** that based upon the grounds stated in the Complaint in this action for declaratory judgment, there is no coverage under the subject Builders Mutual commercial general liability policy, Policy No. CPP 0030890 00, for any claims raised against Parker Brothers, LLC, and/or Marvin B. Parker by the Plaintiffs in the lawsuit styled Christopher Smotherman and James Smotherman, Sr., v. Marvin Parker and Parker Brothers, LLC, et al, Bedford County Circuit Court, No. 11851;

It is further **ORDERED, ADJUDGED, and DECREED** that all claims which were brought or which could have been brought by the parties arising from and/or in connection with the subject racetrack incident which occurred on June 7, 2008, of Parker Brothers, LLC, and/or Marvin B. Parker, against the subject Builders Mutual commercial general liability policy, Policy No. CPP 0030890 00, be and hereby are released with prejudice;

It is further **ORDERED, ADJUDGED, and DECREED** that all claims which were raised or which could have been raised in this action by Parker Brothers, LLC, and/or Marvin B. Parker against Builders Mutual Insurance Company with regard to the subject racetrack incident which occurred on June 7, 2008, be, and hereby are, dismissed with prejudice;

It is further **ORDERED** that this action be and hereby is dismissed with prejudice, each party to bear the respective party's own costs.

ENTER this the 5<sup>th</sup> day of October, 2010.

W. A. Smith, Jr.  
UNITED STATES DISTRICT JUDGE

**APPROVED FOR ENTRY:**

**LEITNER, WILLIAMS, DOOLEY,  
& NAPOLITAN, PLLC**

**By:** /s/ Reid D. Leitner  
**Reid D. Leitner, Esq.**  
BPRN: 16187  
414 Union Street, Suite 1900  
Nashville, Tennessee 37219-1782  
(615) 255-7722

**BUSSART LAW FIRM**

**By:** /s/ Walter W. Bussart  
**Walter W. Bussart, Esq.**  
BPRN: 2862  
520 North Ellington Parkway  
Lewisburg, Tennessee 37091  
(931) 359-6264